

MINUTES

INDIANA BOARD OF CHIROPRACTIC EXAMINERS

SEPTEMBER 11, 2008

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Dyer called the meeting to order at 9:00 a.m. in Conference Center Room 5 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-10-1-1.5(d).

Board Members Present:

David Dyer, D.C., Chairman

John Bernzott, D.C.

Marian Klaes-Lanham, D.C.

David Frischman, D.C.

David Davis, D.C.

Board Member Absent:

Charles Cochran, D.C., Vice Chair

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency

Kristine Yarde, Assistant Director, Professional Licensing Agency

Heather Hollcraft, Case Manager, Professional Licensing Agency

Liz Brown, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda, as amended.

KLAES-LANHAM/FRISCHMAN

Motion carried 5-0-0

III. ADOPTION OF THE MINUTES FROM THE JULY 10, 2008 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes, as presented, from the July 10, 2008 meeting of the Board.

BERNZOTT/KLAES-LANHAM

Motion carried 5-0-0

IV. APPEARANCES

A. PROBATIONARY

- 1. Wei Chen Yang, D.C., License No. 08001810A**
Administrative Cause No. 2007 IBCE 0001

Dr. Yang appeared before the Board, as requested, regarding probationary status. The Board noted she is compliant with her federal probation order, has completed

her community service, and is still doing a cash business. Dr. Yang advised things are going well and she is doing both chiropractic and acupuncture. Dr. Yang's next appearance is scheduled for November 6, 2008.

B. RENEWAL

1. Robert Ekin, D.C., License No. 08001852A

Dr. Ekin appeared before the Board, as requested, regarding his application for renewal of his Indiana chiropractic license. On his application he answered "yes" to a question asking, "Since you last renewed, has any professional license, certificate, registration or permit you hold or have held been disciplined or are formal charges pending?" And "Since you last renewed, have been convicted of or pled guilty to a violation of a federal or state law or are criminal charges pending?" Dr. Ekin stated his criminal charges that are pending since 2006 are set to go to pre-trial September 17, 2008 and the trial is set for September 22, 2008. Ms. Vaught noted for the Board that the Attorney General's formal complaint against Dr. Ekin has been pending since 2006 because they are awaiting the outcome of the criminal trial. Dr. Ekin informed that Board that since he last renewed he has also been charged with public intoxication. He stated that due to all of the stress he had been under he checked into a hotel after a fight with his wife in July 2007. He walked from the hotel to a restaurant where he had some drinks. He then was walking back to the hotel from the restaurant when he was approached by a police officer. He told the Board that this charge happened about thirty (30) days after the criminal charges were filed so the judge just tacked on the P.I. charge with the others and therefore the P.I. charge has not been resolved yet and he has made no formal plea. Dr. Ekin stated that because he was on pre-trial release he was ordered to complete an alcohol counseling class and to submit to regular drug screens until the completion of the trial. Dr. Ekin advised he has taken approximately eighty (80) drug screens in the past eleven (11) months, all have come back negative, and he provided the Board with that urinalysis log as maintained by his pre-trial release officer.

Board Action: A motion was made and seconded to renew Dr. Ekin's chiropractic license.

BERNZOTT/KLAES-LANHAM
Motion carried 5-0-0

2. Stacie J. Macari, D.C., License No. 08002093A

Dr. Macari appeared before the Board, as requested, regarding the renewal of her chiropractic license. Dr. Macari was accompanied by counsel, Gary Price. On her application she answered "yes" to a question asking, "Since you last renewed, has any professional license, certificate, registration or permit you hold or have held been disciplined or are formal charges pending?" Dr. Macari told the Board this complaint was lodged against her Illinois license back in 2001 and it was concerning a fee dispute which ultimately resulted in Dr. Macari receiving a letter of reprimand and a Fine of one thousand dollars (\$1,000.00).

Board Action: A motion was made and seconded to grant the renewal of Dr. Macari's chiropractic license.

KLAES-LANHAM/FRISCHMAN
Motion carried 5-0-0

3. William J. Miskelly, D.C., License No. 08000497A

Dr. Miskelly appeared before the Board, as requested, regarding the renewal of his chiropractic license. Dr. Miskelly failed to renew his chiropractic license in July 2006 and has been practicing on an expired license since that time. He told the Board that he never received a letter and did not have it marked on his calendar. He explained that his office manager was supposed to take care of it but he understands it is his responsibility. Dr. Miskelly had done all of the continuing education that was required.

Board Action: A motion was made and seconded to renew Dr. Miskelly's chiropractic license.

DAVIS/KLAES-LANHAM
Motion carried 5-0-0

C. APPLICATION

1. Jeremy L. Bria, D.C.

Dr. Bria has rescheduled his law exam and personal appearance.

2. Joel Matthew Carson, D.C.

Dr. Carson appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Carson failed to appear for the law examination so he was advised by the Board that he is to take the September 16, 2008 law examination. The Board informed Dr. Carson that should he fail to attend that examination his application file will be deemed abandoned as it is over one (1) year old. Dr. Carson is a 2007 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV and Physiotherapy. On his application he answered "yes" to question #5b asking, "Have you ever been convicted of, plead guilty or nolo contendere to any offense, misdemeanor or felony in any state?" Dr. Carson explained he received a misdemeanor conviction of pointing a firearm in 1998. He told the Board it was dark and he was driving in a bad part of town when he became engaged in a road rage incident with another driver making aggressive maneuvers. Dr. Carson stated that he held up a gun to show the other driver he was armed but at no time did he point the firearm at the other driver. Dr. Carson stated he was advised by his lawyer to plead guilty to the misdemeanor because it was his word against the word of the two people in the other vehicle.

Board Action: A motion was made and seconded to grant Dr. Carson a chiropractic license upon passing the law examination.

BERNZOTT/DYER
Motion carried 5-0-0

3. Isaac Hiram Case, D.C.

Dr. Case appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Case has successfully completed the law examination. Dr. Case is a 2008 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Case does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Case a chiropractic license.

DAVIS/FRISCHMAN
Motion carried 5-0-0

4. Patrick R. Gottfried, D.C.

Dr. Gottfried has rescheduled his law examination and personal appearance.

5. Benjamin Jay Herman, D.C.

Dr. Herman appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Herman has successfully completed the law examination. Dr. Herman is a 2008 graduate of Logan College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV and Physiotherapy. Dr. Herman does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Herman a chiropractic license.

FRISCHMAN/DAVIS
Motion carried 5-0-0

6. Johnnie Lewis Morgan, Jr., D.C.

Dr. Morgan rescheduled his law examination and personal appearance.

7. Daniel M. Salim, D.C.

Dr. Salim failed to appear for the law examination and personal appearance.

8. Shenita Tanner Staggers, D.C.

Dr. Staggers appeared before the Board, as requested, regarding her application for chiropractic licensure. Dr. Staggers has successfully completed the law examination. Dr. Staggers is a 2008 graduate of National University of Health Science and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Staggers does not hold a license at this time.

Board Action: A motion was made and seconded to grant Dr. Staggers a chiropractic license.

KLAES-LANHAM/BERNZOTT
Motion carried 5-0-0

9. David Glenn Swiney, D.C.

Dr. Swiney appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Swiney has successfully completed the law examination. Dr. Swiney is a 2002 graduate of Palmer College of Chiropractic and has taken and passed National Boards Parts I, II, III, IV, and Physiotherapy. Dr. Swiney holds a license in Virginia.

Board Action: A motion was made and seconded to grant Dr. Swiney a chiropractic license.

BERNZOTT/KLAES-LANHAM
Motion carried 5-0-0

D. REQUEST FOR REINSTATEMENT

There were no requests for reinstatement.

V. ADMINISTRATIVE HEARINGS

There were no administrative hearings scheduled.

VI. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Board.

VII. NOTICE OF PROPOSED DEFAULT

There was no notice of proposed defaults before the Board.

VIII. OLD/NEW BUSINESS

There was no old/new business.

IX. DISCUSSION

A. Rule Readoption
LSA 08-344
846 IAC 1-4-7

Ms. Vaught explained to the Board that administrative rules expire every seven (7) years if they are not readopted. The Board is required to review the rules to be readopted and determine that proposed rules do not impose any cost and requirements on small businesses pursuant to IC 4-22-2.5-3.1(C).

Board Action: A motion was made and seconded to readopt the rule 846 IAC 1-4-7 taking into consideration the impact and requirements imposed on small business.

BERNZOTT/KLAES-LANHAM
Motion carried 5-0-0

X. APPLICATION REVIEW

A. Endorsement Applications

There were no endorsement applications to review.

B. Examination Applications

There were no examination applications to review.

C. Temporary Permits

There were no temporary permits to review

D. Professional Corporation Applications

There were no Professional Corporation applications to review

XI. PROBATIONARY REPORT

There were no probationary reports given.

XII. CONTINUING EDUCATION

There was no continuing education to review.

XIII. REPORTS

A. Indiana State Chiropractic Association

There will be a golf outing in Noblesville, Indiana on September 26, 2008. The Fall Conference is scheduled for October 31-November 2, 2008. It was also mentioned that ISCA is dealing with an issue in southern Indiana where two chiropractors have had all massage therapy claims denied.

B. International Chiropractic Association of Indiana

Susan Ellis introduced herself to the Board as the new ICAI Executive Director. She stated their education conference will be held September 20-21, 2008.

C. Consumer Complaints

Dr. Bernzott did not have a report.

D. Continuing Education

There was no report given on continuing education.

XIII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 11:00 a.m.



David Dyer, D.C. - Chairman

11.06.01

Date